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SUBJECT: CODEL BERMAN'S AUGUST 20-22 VISIT TO TAIWAN

Classified By: Acting Director Robert Wang for reasons 1.4(b/d)

¶1. (C) Summary. Taiwan officials expressed appreciation for U.S. assistance in response to Typhoon Morakot during the August 20-22 visit of CODEL Berman. President Ma Ying-jeou and opposition leader Tsai Ing-wen both underscored the importance of U.S. security commitments to Taiwan, including the sale of key defensive systems like the F-16 C/D. Ma pushed for the speedy conclusion of an extradition agreement, Taiwan's admission to the Visa Waiver Program and, longer-term, implementation of a free trade agreement. Tsai warned of "backsliding" on human rights under Ma's government and said the President's cross-Straits policies put Taiwan's sovereignty at risk. End Summary.

¶2. (SBU) A Congressional delegation led by HFAC Chairman Berman visited Taiwan August 20-22. The CODEL met with Taiwan government officials, including President Ma Ying-jeou, National Security Advisor Su Chi, Foreign Minister Ou Hong-lien and Legislative Yuan Speaker Wang Jin-pyng, as well as representatives from Taiwan's main opposition political party.

DPP: Ma China Policy, Rights Practices Threaten Taiwan  
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¶3. (C) Opposition Democratic Progressive Party (DPP) Chair Tsai Ing-wen thanked Chairman Berman and the members of his delegation for making DPP headquarters its first stop on Taiwan. While there is a considerable divide between supporters of Taiwan's two major political parties, Tsai said, everyone greatly appreciated the United States' decision to send helicopters and other humanitarian assistance to assist in recovery efforts following Typhoon Morakot. Taiwan often feels isolated internationally, Tsai said, and the quick response by the United States and others made the island feel it is a part of the global community.

¶4. (C) DPP International Affairs Director Bikhim Hsiao emphasized that, while the DPP and ruling KMT disagree on many issues, the DPP and KMT are unanimous in support of strong relations with the United States and will coordinate closely on issues such as the defense budget. At the same time, Hsiao said, the DPP disagrees strongly with the KMT China policy. The KMT effort to improve economic and trade links with the mainland is making Taiwan overly dependent on a country that is still hostile to the island. The DPP does not oppose trade with China, she stressed, but wants to balance it with closer ties with other key partners. Responding to a question from Rep. Watson, Tsai said the Hong

Kong "one country, two systems" formula has "no market" on Taiwan. Despite this, she said, if the Ma administration continues to pursue its policies, such an outcome is inevitable.

¶15. (C) An equally fundamental concern of the DPP is the Ma administration's roll-back of hard-won freedoms, Hsiao said. In this regard, DPP Foreign Affairs Advisor (and head of Taiwan's representative office in Washington under DPP President Chen Shui-bian) Joseph Wu said, recent instances of politically-motivated prosecutions and police actions to prevent free speech are "worrying." Tsai offered the delegation a paper outlining 7 specific areas of concern, including police actions during protests surrounding the November 2008 visit of PRC official Chen Yunlin, proposed revisions of the Parade and Assembly Act and political interference in the judicial system. (Note: A copy of this 2-page document has been forwarded to EAP/TC.)

Ma: U.S. Role Essential to Taiwan Security  
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¶16. (C) President Ma began his meeting with CODEL Berman by expressing appreciation for U.S. assistance in the aftermath of Typhoon Morakot and for American help in ensuring that Taiwan can deter the PRC militarily. (Note: According to Presidential office officials, this was the only foreign delegation Ma has agreed to see since Typhoon Morakot hit Taiwan August 8.) These themes were repeated by all of the CODEL's interlocutors, including Foreign Minister Ou Hong-lien and Legislative Yuan Speaker Wang Jin-pyng. By giving Taiwan the confidence to deal with China, Ma said, U.S. arms sales play a key role in his administration's efforts at rapprochement. The result is that U.S.-Taiwan-PRC relations are all better than they have been in 60 years, Ma said.

¶17. (C) Berman offered condolences for Taiwan's losses from the typhoon and noted that Chinese officials had said nothing to him about the deployment during his just-completed visit. Indeed, in sharp contrast to his previous trips to Beijing, Berman said, his interlocutors said almost nothing about Taiwan. Only once did a Chinese official raise Taiwan, Berman said, and only at the end of his visit and in a perfunctory manner. Improved cross-Strait ties are good for the United States, he stressed, and asked what Congress can do to further these efforts.

¶18. (C) China understands that his efforts to reduce cross-Strait tensions are in the interests of all three sides, Ma said. These efforts are producing results, the President stressed, noting the success of cross-Strait flights, agreements on shipping and other issues, and the other important steps taken over the last 15 months. To continue down this path, though, Taiwan needs to have a sense that it can deal with China from a position of confidence. To this end, it is essential that Taiwan be able to maintain a credible military deterrent. Specifically, he said, Taiwan needs to replace its aging fleet of F-5s with F-16 C/Ds. While noting that the executive branch would make the decision whether to approve such a request, Berman said the Senate version of the FY10 Defense Authorization Act included a provision requiring the Defense Department to prepare a report on Taiwan air defense needs and what the United States would need to do to meet its Taiwan Relations Act (TRA) commitment in this area.

Extradition, Human Rights and the Judiciary  
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¶19. (C) On a strictly bilateral note, Ma noted his administration's interest in concluding an extradition agreement with the United States. Already, Taiwan is unilaterally returning criminal suspects to the United States. Unfortunately, because of the complexities of the U.S. immigration system, the United States has been unable to reciprocate. China will not object, Ma asserted, noting that Taiwan and the PRC have already signed a judicial cooperation

agreement and law enforcement authorities cooperate actively across the Taiwan Strait. Rep. Berman noted that negotiating such an agreement is an executive branch function, but said he could not understand why the United States would not want to do so and agreed to follow up with State and other agencies upon his return to Washington.

¶10. (C) Later in the conversation, Rep. Berman noted that DPP Chair Tsai had expressed concern about "backsliding" in the area of human rights. While it would not be appropriate to comment further, he said, it is important to note that issue is out there. Ma pointed out that on May 14 Taiwan acceded to the UN Conventions on Civil and Political Rights and on Economic and Social Rights. Moreover, because Taiwan is not a UN member, the Legislative Yuan passed legislation giving these two agreements the force of domestic law. Within two years, the government will review all laws to ensure that any now incompatible come into compliance with these new commitments.

¶11. (C) Commenting on the detention of former President Chen Shui-bian, Ma said this decision was approved by independent judges. Ma noted that he is a lawyer himself and has great respect for the judiciary. Indeed, when he was accused of corruption, Ma said, many friends urged him to try to pull strings to have the charges dropped. Instead, Ma said, each of the 14 times he testified, he simply expressed confidence in his innocence and the impartiality of the judicial system. In the end, he added, he was acquitted.

#### Visa Waiver

¶12. (C) Ma emphasized the importance of the people-to-people ties linking Taiwan and the United States and expressed the hope that Taiwan will be admitted to the U.S. Visa Waiver Program (VWP). For its part, Taiwan understands that its refusal rate is above the statutory requirement, he said. Rep. Hinojosa noted the importance of higher education in Taiwan and the role played by Taiwan students in the American educational system. While there clearly are legal issues to be resolved, Chairman Berman said, it should be in U.S. interests to speed up the process of Taiwan's consideration for admission.

#### Trade Issues

¶13. (C) Rep. Kingston noted that the President had not mentioned a Free Trade Agreement (FTA) and asked what Taiwan's timetable is for concluding one. Taiwan understands that the current U.S. administration does not have "fast track" authority, Ma said, and so is focusing instead on building blocks, such as a Bilateral Investment Agreement, that would eventually accomplish the same end as an FTA. Berman thanked Ma for the progress Taiwan has made in protecting physical IPR and urged the President to extend similar protections to downloaded digital intellectual property.

#### National Security Advisor: Stability is Taiwan's Goal

¶14. (C) During a follow-on meeting with the CODEL, National Security Advisor Su Chi stressed that eight years of DPP rule had created tensions between Taiwan and China, but also between Taiwan and the United States, Japan and other international partners. At the same time, DPP President Chen's policies had left Taiwan society deeply divided and unstable. Thus, President Ma's major goal is to restore internal and external stability, Su said. Ma's status quo cross-Strait policy led to relaxed relations with China but also, hopefully, will take some of the heat out of domestic political disagreements. The KMT is not, Su emphasized, "pro-China." It is, rather, "pro-engagement," seeking to strengthen ties with the United States, Japan and other even as it pursues cross-Strait rapprochement.

¶15. (C) Rep. Faleomavaega asked how Ma's policies would affect Taiwan's diplomatic allies in the South Pacific and whether Taiwan intends to continue its "checkbook diplomacy."

One of President Ma's successful policies is his diplomatic truce with Beijing, which ended a bidding war for diplomatic recognition. This in turn allowed Ma to end the less savory practice of past administrations of currying favor with foreign officials through under-the-table contributions. Ma's policies, Su quipped can be summed up as "don't push the envelope" (i.e., pursuing de facto independence or taking other steps that would provoke a PRC reaction) and "don't pass the envelope" (paying foreign officials in exchange for diplomatic recognition). So far, Su said, this approach is working and Taipei has not lost a single diplomatic partner since Ma took office.

Delegation

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¶16. (U) CODEL Berman included Chairman Berman, Rep. Faleomavaega, Rep. Watson, Rep. Kingston and Rep. Hinojosa, as well as HFAC Professional Staff Member (PSM) David Fite, HFAC PSM Jessica Lee, HFAC PSM Mary McVeigh, HFAC PSM Joo-Jin Ong, HFAC PSM Amanda Sloat, HFAC Communications Director Lynne Weil, HFAC PSM Margaret Mott, HFAC PSM Daniel Bob, and DOD escorts Col. Jeff Koch USAF, LTC Stacey Bako USAF, LTC Michael Madsen USAF, MSGT Lloyd Jenkins NCO, MSGT Marvin Tasby NCO, and Dr. Michael Wenzel.

¶17. (U) The CODEL did not have the opportunity to clear on this message.

WANG